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10/710,491	07/15/2004	Nicholas M. Carroll	60748.300201	2146
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Patent Venture Group 10788 Civic Center Drive, Suite 215 Rancho Cucamonga, CA 91730-3805			EXAMINER WILLIAMS, JEFFERY L	
			ART UNIT	PAPER NUMBER
			2137	
			MAIL DATE	DELIVERY MODE
			01/16/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/710,491

Applicant(s)

CARROLL, NICHOLAS M.

Examiner

Jeffery Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to the communication filed on 10/31/07.

All objections and rejections not set forth below have been withdrawn.

Claims 1 – 30 are pending.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 21 – 30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Regarding claims 21 – 30, they comprise a computer program (i.e. see claim 30). Computer instructions per se fail to fall within one of the statutory categories of invention. Thus, claims 21 – 30 are rejected as being nonstatutory.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 7, 9, 17, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 7 recites the limitation "said new ACEs" in line 3. There is insufficient antecedent basis for this limitation in the claim. For the purpose of examination, the examiner presumes the applicant to refer to "new ACEs".

Claims 7, 9, 17, and 27 have been rejected for similar reasons as above, and all other depending claims have been rejected by virtue of dependency.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1 – 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaji et al. (Shaji), "Interfaces and Methods for Group Policy Management", U.S. Patent Publication 2004/0215650.**

Regarding claim 1, Shaji discloses:

*making a copy of the security descriptor (par. 18, 91);*

*adding a new access control entry (ACE) to the DACL in said copy, wherein said new ACE specifies denying the locally privileged group an access right to the securable object (par. 18, 19, 89);*

*and overwriting the security descriptor in the operating system with said copy (par. 18).*

Regarding claim 2, Shaji discloses:

*determining the relative identifier (RID) of the securable object; and finding the security descriptor for the securable object based on said RID (par. 13, 64).*

Regarding claim 3, Shaji discloses:

*further comprising examining the DACL to discover whether said access right is already denied (par. 18).*

Regarding claim 4, Shaji discloses:

*wherein said new ACE is added as the first ACE in the DACL (fig. 14,15).*

Regarding claim 5, Shaji discloses:

*wherein the securable object is a group other than the local administrators group (par. 4).*

Regarding claim 6, Shaji discloses:

*wherein said group is a domain administrator group (par. 4,5).*

Regarding claim 7, Shaji discloses:

*wherein said domain administrator group is a remotely hosted group, and the method further comprising adding said new ACEs to the DACL in said copy to deny all local groups said access right to the securable object (par. 4,5,47).*

Regarding claims 8 and 9, Shaji discloses:

*herein said access right includes a right to change permissions of said group and wherein said access right also includes a right to view permissions of said group (par. 10 – herein administrators may create access rights that delegate the ability to modify security permissions).*

Regarding claim 10, Shaji discloses:

*wherein a single software tool performs the method (par. 38).*

Regarding claims 11 – 30, they comprise essentially similar recitations, and they are rejected, at least, for the same reasons.

### ***Response to Arguments***

Applicant's arguments filed 10/31/07 have been fully considered but they are not persuasive.

Applicant argues or asserts essentially that:

(i) *With respect to incorrectness, claims 21-30 comprise a system (machine) recited as means plus functions. Both manufactures and machines are specifically defined in 35 U.S.C. 101 to be patentable subject matters, and 35 U.S.C. 112, ¶ 6 specifically permits claims to be recited in means plus function format. (Remarks, pg. 2)*

In response, the examiner respectfully points out that the applicant does not recite a "machine", and the words "system" and "machine" are not equivalents.

(ii) *With respect to claims 7, 17, and 27, we respectfully urge that these are correct as they currently read. For example, claim 7 recites "adding said new ACEs to the DACL in said copy to deny all local groups said access rights" (underline emphasis added here). Claim 7 depends from claim 6, which depends from claim 5, which*

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*depends from claim 1, which recites "adding a new access control entry (ACE)." There thus is antecedent basis in claim 7 for at least "said new ACE." However, "local groups" is recited in claim 7 as plural because, while there may theoretically be only one local group ... (Remarks, pg. 2)*

In response, the examiner respectfully maintains that the claims lack antecedent basis for the recitation of "said new ACEs", as may be clearly seen within the claim language. The applicant is encouraged to consider recitations that do have antecedent support. For example, as admitted by the applicant, there is antecedent support for "said new ACE", thus the applicant may properly recite "said new ACE". Alternatively, the applicant may decide to recite "new ACEs", as was suggested by the examiner.

(iii) *Shaji nowhere teaches or discusses a discretionary access control list. In fact, Shaji does not even use the word "discretionary" anywhere. (Remarks, pg. 3)*

In response, the examiner respectfully points out that the prior art clearly discloses an access control list for permissions, thus a "discretionary" access control list (Shaji, par. 91). Furthermore, it is noted that the applicant's nominal recitation of "discretionary" must result in a difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Finally, it is noted that the applicant's arguments fail to comply with 37 CFR 1.111(b) because



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they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language (i.e. the word "discretionary") of the claims patentably distinguishes them from the references.

(iv) *Shaji also does not teach an access control entry (ACE). If Shaji did, it would presumably have used the industry standard term "access control entry" or acronym "ACE," as it does elsewhere, including [0089]. As for [0089], this is a recitation of entirely conventional ACE characteristics and nowhere teaches denying anything, specifically not by using a new ACE, specifically not to a locally privileged group, and more specifically not all of these also with the other limitations recited in claim 1.*

(Remarks, pg. 3)

In response, the examiner notes that the applicant's argument appears essentially to be based upon an allegation that Shaji does not use the word "ACE" within every paragraph of the prior art that was cited by the examiner - thus fails to disclose an "ACE". The examiner finds the applicant's reasoning to be unpersuasive. It is respectfully noted that the prior art is replete with occurrences of the word "ACE", and that the applicant is respectfully encouraged to consider the cited portions of the prior art within the context of the entire prior art reference (Shaji, par. 1 – 123). Clearly, as may be seen through a consideration of the entire reference of Shaji, Shaji discloses that ACEs are used for denying access rights of locally privileged groups (or groups

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elsewhere with respecting an environment [i.e. a network] for that matter) to securable objects (i.e. Shaji, fig. 2, 3; par. 4, 44, 45, 47, 48, 72, etc...).

(v) *Shaji merely teaches loading and mapping to a security descriptor. It teaches nothing here about overwriting a security descriptor, and especially not about doing so with a copy as prepared in accord with the limitations in the preceding step in claim 1.*

(Remarks, pg. 4)

In response, the examiner respectfully points out that the prior art clearly discloses editing and changing security descriptors so as to comprise new data, thus "overwriting" (i.e. see cited portions of prior art, or surrounding portions).

(vi) *For example, the cited paragraphs do not teach a relative identifier (RID), much less one used in the specific manner recited in the claim.* (Remarks, pg. 4)

In response, the examiner, respectfully points out that the prior art does disclose "a relative identifier" (see for example Shaji par. 13, 64). Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

(vii) *However, we have shown above that Shaji does not teach DACL, and the cite clearly does not teach examining and discovering steps related to such.* (Remarks, pg. 4)

In response, the examiner, respectfully points out that the applicant's argument is based upon previous unpersuasive arguments. Furthermore, the prior art discloses examining the DACL (see for example, par. 18). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *discovering steps related to such*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(viii) *Regarding claim 4...* (Remarks, pg. 4)

In response, the examiner respectfully notes that the applicant's arguments are based upon prior unpersuasive arguments, and are unpersuasive for the same reasons.

(ix) *The Action here further states "Shaji discloses: wherein the securable object is a group other than the local administrators group (par. 4)." This is nonsense. As is well known in the art, groups categorize securable objects (e.g., membership in a group, or the absence thereof, defines the access rights to a securable object).* (Remarks, pg. 4).

In response, the examiner respectfully notes that the applicant states the conclusion, "*This is nonsense*", and proceeds with the allegation, "*As is well known in the art, groups categorize securable objects (e.g., membership in a group, or the absence thereof, defines the access rights to a securable object).*" However, completely lacking within the applicant's reply is any logical line of reasoning supporting the applicant's traversal from an allegation respecting "groups" to a conclusion of "nonsense". Accordingly, the examiner respectfully notes that the applicant's argument is unpersuasive.

Furthermore, the examiner points out that the prior art clearly discloses that a securable object may be an object other than the local administrators group (i.e. Shaji, par. 4 – 7, 16, 18, 19, etc...)

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

***See Notice of References Cited.***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery Williams whose telephone number is (571) 272-7965. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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